IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8073 OF 2005

Mrs.Kantabai Balasaheb Gaikwad .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.V.V.Purwant for applicant

Mr.S.S.Tatkare, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 21st December 2005.

P.C.

. Applicant is apprehending arrest in connection with C.R.No.114 of 2005 registered with Junnar Police station for offences

punishable under sections 307, 452, 504, 506 read with 34, 120(b) of I.P.C.

2. Said complaint is lodged by the original complainant Suvarna Gaikwad, resident of village Nimgaon Tarfe Mhalunge, Taluka Junnar, Dist. Pune. Allegation is that she along with her family members were being evicted by one Santosh Baban Lokhande, Sudarshan Baban Lokhande and other unknown persons. Her husband was assaulted by stick and iron rod and that is why F.I.R. was lodged. Applicant's husband is Balasaheb Gaikwad at whose instance the assault took place. It is her contention that she along with her husband are not at all involved in the assault.

3. The above contentions based upon averments in this application have not been seriously disputed by prosecution. The only reason for which learned Sessions Judge rejected application is that investigations are in

progress. It is contended by A.P.P. that the vehicle used in crime is in possession of applicant and it is lying in her house. For this reason her custodial interrogation is necessary.

4. In my view, only for the aforesaid reason a woman need not be detained in custody. More so, when Mr.Purwant, upon taking instructions states that the vehicle is lying in the premises of applicant and she will hand over the same to the I.O. Further, she will cooperate with the investigation. She will reside at 8 kms. away from the place of incident and will not enter the said village limits. In the light of this following order:-

i) In the event of the arrest of the applicant in connection with C.R.No.114 of 2005 registered with Junnar Police Station, the applicant shall be enlarged on bail in the sum of Rs.5000/- with

one/two sureties in the like amont.

ii) Applicant shall attend Junnar Police station once in a fortnight. Applicant shall hand over custody of the vehicle used in crime to I.O.

iii) Bail is granted subject to the condition that applicant shall not directly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/investigating agency. Applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on

the merits of the case at the time of trial.

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter he will be free to apply to the appropriate court for appropriate relief.

vi) Application disposed of

vii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)